

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 2494 of 1995

Between:

Jyothi Weaker Sections Welfare Association Rep.by M.Rajan Babu,S/o.Raja Mouli,
General Secretary, R/o.Plot.No.22,Shalivahana Nagar Hyderabad.

..... PETITIONER

AND

- 1 Revenue Divisional Officer
Hydreabad.
- 2 The Collector,
Hyderabad District
- 3 Mandal Revenue Officer
Golconda Mandal Hyderabad.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned notice of the 1st respondent No.F/7527/90 dated 7-2-1995 as illegal and arbitrary, and also direct the respondent herein to take immediate action for allotting house sites to 313 persons in pursuance the D.O letter No.7527/90 dated 13-8-1991 on the file of the 1st respondent.

Counsel for the Petitioner:MR.G.VEERA REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

-

ORDER:

-

This Writ Petition has been filed by the petitioner challenging the impugned notice of the 1st respondent No. F/7527/90, dated 7-2-1995 and also to direct to the respondents to take immediate action for allotting house sites to 313 persons in pursuance of D.O. letter No. 7527/90 dated 13-8-1991 on the file of the 1st respondent.

The brief facts of the case are that petitioner is the General Secretary of Jyothi Weaker Sections Welfare Association. About 415 families who are belong to the weaker sections of society made applications to the 2nd respondent for allotment of land, pursuant to G.O.Ms.No.700, dated 20-6-1986. After thorough enquiry the 2nd respondent-District Collector issued orders dated 15-3-1991 in file No.B3/2179/91 directing the authorities to issue 91 house site patta certificates to green ration card holders in Survey No.403 of Shaikpet village by taking approval of layout in the year 1990 in L.P.No. 175/ATP/UCD/MCH/90. It is alleged that some persons are trying to encroach upon the said lands.

The respondent filed counter affidavit alleging that the petitioner who is representing the Society is also representing another society by name Sarvodaya Society by filing forged documents for land in S.No. 129/86 of Shaikpet village. As the said person seemed to be a person of dubious character, the Collector in his letter No. C3/6631/91, dated 9-8-1991 directed the then Revenue Divisional Officer, Hyderabad to conduct enquiry against allotment of 91 patta holders, who were earlier issued house site pattas by issuing notices to them. Pursuant to the directions of the District Collector, Hyderabad the then Revenue Divisional Officer had issued the impugned notice to the petitioner association to surrender 91 original patta certificates issued to produce the beneficiaries before him for conducting enquiry. It is further alleged in the counter affidavit that the Government being the owner of the

land, is at liberty to call for an enquiry, as and when it is noticed that the benefits of the welfare schemes are not reaching to the true and genuine persons. The petitioner association instead of participating in the enquiry has straight away approached this Court by filing this Writ Petition, assailing the same.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The impugned order reads thus;

“With reference to your representation dated 31-1-1995, take notice to surrender all the (91) original pattas issued to the members of your association within a week days time and also produce the persons before the undersigned for an enquiry”.

A reading of the impugned order would disclose that the same is in the nature of show cause notice, it merely calls for surrender of the pattas and calls upon the petitioner association to produce its members for enquiry before the Revenue Divisional Officer. The petitioner association instead of producing its members before the Revenue Divisional Officer for enquiry has directly approached this Court. It is well settled law by a catena of decisions of the Apex Court as well as this Court, the Writ Petition is not maintainable against a show cause notice. In as much as the present Writ Petition seeks to assail show cause notice and the same cannot be entertained and the same is accordingly dismissed. No order as to costs.

-----N.V.Ramana,J.

12th August, 2004.

KM

SPECIAL OFFICER

// TRUE COPY //

SECTION OFFICER

To

- 1 Revenue Divisional Officer
Hydreabad.
- 2 The Collector
Hyderabad District at Hyderabad.
- 3 Mandal Revenue Officer
Golconda Mandal Hyderabad.
- 4 .2CCs to G.P. for Revenue, High Court Buildings, Hyderabad.(OUT)
5. 2CD copies

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 2494 of 1995

— — — — —

12th August, 2004.

—

